LE COPY

Office-Supreme Court, U.S.
FILED
MAY 25 1965
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 977

MARY BENDELARI, *Petitioner*

v.

THE UNITED STATES OF AMERICA, *Respondent*

PETITION FOR REHEARING FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MARY BENDELARI
Carnegie Hall
New York 19, N. Y.
Pro Se.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No.

MARY BENDELARI, *Petitioner*

v.

THE UNITED STATES OF AMERICA, *Respondent*

PETITION FOR REHEARING FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

The copy of the patent number 1926429 will be delivered to the Court.

In passiog, attention is called to the minority report in the Erie Railry case.

The brief of the Solicitor- General is answered by the following.

In 1963 the petitioner did petition Congress for relief in regard, to the injustices, in depriving her of the royalties on her patent.

This Committee on Constitutional rights, examined the petitioner's petition, and stated that Congress would not hear the petitioner until all of the petitioner's rights had been refused by the courts.

The statement of June 1963, by this Committee, presupposes legal rights as of that day, not as noted by the Attorney- General, as having stopped in 1950, at the end of the patent period. This was ascertained by letters from three departments.

Section 6 of the Clayton Antitrust law provides that the Statute of Limitations "shall be suspended in favor of a private litgant who had sustained damage to their property, or business thru the wrongful acts of the defendants, during the pendency of the suit or proceeding by, or on behalf of the United States. The entire provsision is intended to help persons of small means who are injured in their property, or business, by comoinations, or corporations, violating the antitrust laws."

Unless tne Court considers this ,all tne remedies of the petitioner havebeen exhausted. and the petitoner will be denied her full rights in the Constitution unless this Court will give tne petitioner a chance to oe heard.

Tne investigation of the conspiracies against individual inventors , by Congress, went on from Decemoer 1902 until Decemoer 1914. The hearings are most enlightening.

People became virtual slaves deprived of property, civil rights, and even health, continuatally surrounded by fear, so they couldnot seek help, and guidance.and would not protest. There was no comfort unless they gave up their property.

Yet while the petitioner's case was in the antitrust Divison for ten years, exactly the same problem existed. The Justice Department refused to investigate the conspiracy, about the patent of the petitioner , where it related to the patent, tho they had evidence of a conspiracy of lines, in the same conspiracy that came before this court.

The protection of these writings, or lines, is the one right granted in the Constitution to gain the gold right, or worth, of the full use of the value of their work.

The petitioner asks that the balance of evidence about the conspiracy of lines , the patent, denied before by the Justice Department,now be completed.

That there be a pendency of time, from the from the time that the investigation of this conspiracy be denied, and that the patent run in full, til that time has elapsed.

For 165 years we have had government by innuendo, as far as the rights of writings are concerned, which are clearly protected in the Consitution. The reprehensible methods used to deprive, or try to deprive the petitoner are criminal. Rites are not protected in the Consitution. Slavery is denied by the 13, 14, and 15th amendments of the Consitution. The people of this country have suffered overlong from the conspiracy of silence about this.

To gain possession of the petitioner's patent, and other property , the petitioner's health has been wrecked. There is nothing in the Consitution , that permits a state of war against individuals, and a true government of the people would root it out, and not countence it.

The petitioner wishes that all copyrights, patents, trademarks, names, prints, and labels, that have been used with her patent property , be declared her property.

In passing, let it be noted that the first case under the 1914 Clayton Act was adjudicated in New Jersey in 1957, seven years after thepetitioner had taken her patent to the antitrust division to determine what the conspiracy was, against her being able to get the rewards of her patent . The position of the antitrust division, not making the petitoner party to the suit, and thereby bring her patent under the toll provision , is the ineqity, for which the petitioner brings this petition before this honorable Court.

If the Court denies the petitioner's rights as party to the suit, by omission, the court, in effect grants her rights to those whom the Court has held to be in conspiracy against her.

The Grant Jury decided that the consiracy about the petitioner's patent , wouldbe the basis of an antitrust case by the government.

The petitioner notes that the plaintiff was no entitled. to recover. The title to the patent is within her body, making it difficult for the petitioner to see how she could not be entitled to her own patent.

The petitioner would respectfully request, if the Court accepts this case for hearing that the petitioner's rights to her royalties be stated.

Wherfore the petitioner prays that this Honorable Court will issue a writ of certorari, requiring that this case be brought for review, from the Court of Claims.

Respectfully submitted

Mary Bendelari
Carnegie Hall,
New York, 19
Pro Se (italics)